

JUDICIAL CASTEL

UNITED STATES DISTRICT COURTS
SOUTHERN DISTRICT OF NEW YORK

108 CV 4282

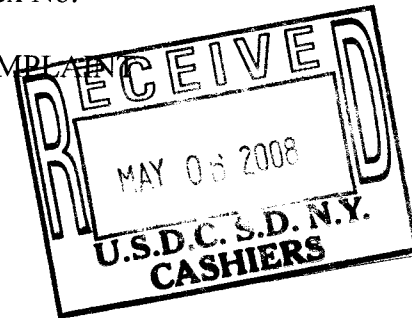
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SHUIFA YING,
Plaintiff,

Index No.

v.

COMPLAINT

CHINA CHEF INC.,
SHIZHONG OU, and LIMING HUANG,
Defendants.
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Plaintiff makes the following allegations:

1. From December 2003 to January 2008, Plaintiff SHUIFA YING worked for CHINA CHEF INC., a restaurant located at 27955 Highway 98 Ste U, Daphne, AL 36526, which, among other companies, is owned and controlled by Defendants SHIZHONG OU, and LIMING HUANG.
2. During all relevant time, Plaintiff worked as a cook under inhumane conditions 12 hours per day for monthly wage of \$1500, which was adjusted to \$2600 after four years of labor.
3. The intensity of harsh labor caused Plaintiff suffer spinal pain, diabetes and other medical problems. In March 2007 Plaintiff came to New York City seeking treatment to reduce severe back pain. In March 2008 Plaintiff had spine micro-discectomy surgery in The Mount Sinai Medical Center, located at One Gustave L. Levy Place, New York, New York 10029.
4. After the surgery, Plaintiff continues to seek other treatments in New York including acupuncture to alleviate pain. Because of the spinal pain and distortion, Plaintiff is no longer able to walk normally and is permanently disabled in that he is no longer able to provide labor to earn a living as he did before.
5. Because Defendants consider Plaintiff no longer useful in providing same high-intensity labor due to his much reduced health, Plaintiff was told not to return to his employment after the surgery.
6. To prevent Plaintiff redressing above damages and sufferings, Defendants detained Plaintiff's personal computer, clothes, passport, etc. so that his ability of movement and access to remedy may be confined.

FIRST CAUSE OF ACTION

7. As a result of Defendants' knowing violation of state and federal law with regard to worker's protection and minimum wages, Plaintiff suffered following damages:

- a. Wages including over-time payment: \$33,241.40 (Calculated based on over-time federal minimum wage for 188 working weeks.)
- b. Medical expense: \$50,000 (Exact dollar amount upon amendment.)
- c. Pain and suffering: \$100,000
- d. Disability support and severance: \$240,000 (Life remainder expected for 30 years at \$1,000 per month.)

SECOND CAUSE OF ACTION

8. As a result of Defendants' tortious employment arrangement, Plaintiff suffered discrimination based on his race and/or national origin, which amounts to servitude in violation of Constitution.

9. As a result of Defendants' bad faith termination of employment, refusal to negotiate compensations for Plaintiff's over-due wages, medical expense, his pain and suffering, disability support and severance, and falsely imprisoning Plaintiff by means of detaining his traveling documents and personal belongings, Plaintiff is further damaged in the form of severe emotional distress intentionally inflicted by Defendants' outrageous acts.

10. For above torts, Plaintiff seeks award, including punitive damages, in the amount of \$1,000,000.

Wherefore, Plaintiff demands judgment as follows:

1. In the First Cause of Action for the amount of \$423,241.40.
2. In the Second Cause of Action for the amount of \$1,000,000.
3. For such other relief as this Court may deem just and equitable.

Plaintiff hereby demands a trial by Jury.

By: Frank Xu
Frank Xu LLP
305 Broadway Ste 701
New York, NY 10007
Tel: 212/897-5866
Fax: 212/901-0499
Attorney for Plaintiff